



City of Long Beach

Working Together to Serve

Office of the City Attorney

Report by the City Attorney Regarding Government Claim Activity

The City Attorney's Office receives, investigates and adjusts between approximately 800-1000 Government Claims each year. Each claim is reviewed by the Law Department's Liability Claims Adjuster, is carefully investigated by staff, and reviewed by counsel for a final determination. Claims are either paid outright, compromised, or rejected.

For example, where the claimant meets his or her burden of proof, has competent evidence that establishes liability and can prove damages, the claim is paid as demanded. In some instances, where liability exists, but the demand is excessive, a settlement is negotiated. Claims are rejected where the City has no legal responsibility for the damages, or the claimant has failed to meet his or her burden of proof. By law, this analysis must be completed within forty-five (45) days after the Government Claim is filed with the City Clerk.

In an effort to continue to provide quality service to our clients, I have directed that claims data be organized by type of claim, Department, and in some cases, by Bureau. This information is intended to help each Department better understand its area of exposure, locate areas of concern, and better manage risk.

This data is presented quarterly and posted to the City Attorney website so that the public can be informed as to the process and resolution of government claims filed with the City of Long Beach.

Best Regards,

A handwritten signature in cursive script that reads "Charles Parkin".

Charles Parkin,
City Attorney

Analyses of Claims Between the First, Second and Third Quarters 2015

The third quarter covers the period of time between July to September 2015. During the third quarter, the City Attorney adjusted 172 claims. In the third quarter, seventy-two percent (72%) of the claims presented were rejected, while twenty-five percent (25%) were accepted, *totaling \$115,134 in paid claims*. (See Figure 3)

The City Attorney's Office noted a 5.5 % *decrease* in the total number of Government Claims filed during this period as compared to the second quarter; but an approximate 5 % *increase* from the first quarter. Generally speaking, however, the total number of claims filed with the City each quarter have been relatively consistent. (See Figure 4) Through the first three quarters, this office has handled 518 claims; or, on average, 173 claims a quarter.

The percentages of claims accepted, rejected or not considered also remained fairly consistent through the first three quarters of 2015. In the third quarter, this office accepted 25% of the claims presented, as opposed to 30% in the preceding two quarters. (See Figure 3)

The *total payments* on claims made during the third quarter, however, *increased significantly*. (See Figure 3) In the first and second quarter, the City Attorney authorized average payments of \$54,238 per quarter to persons making claims against the City. In the third quarter, however, this amount *more than doubled*, for a total payout of \$115,134. This is a difference of \$60,896 compared to the average of the first two quarters, and represents *an increase* in payouts of fifty-two percent (52%) compared to the first two quarters (See Figures 1, 2 & 3).

Employee automobile accidents account for the increase in paid claims during the third quarter. Of the \$115,134 paid, \$107,027 of payments made resulted from automobile accidents that our investigation determined were the responsibility of a City employee. *Thus, approximately 92% of the total paid claims are the result of employee automobile accidents.*

During the second quarter, the City found possible liability on six (6) claims in which no payment was made, primarily due to not receiving documentation to support damages. Since then, however, one claimant did provide supporting documentation and, accordingly, the City Attorney paid \$369.17 on that claim.

Recap of Claims Accepted vs Denied by Yearly Quarter

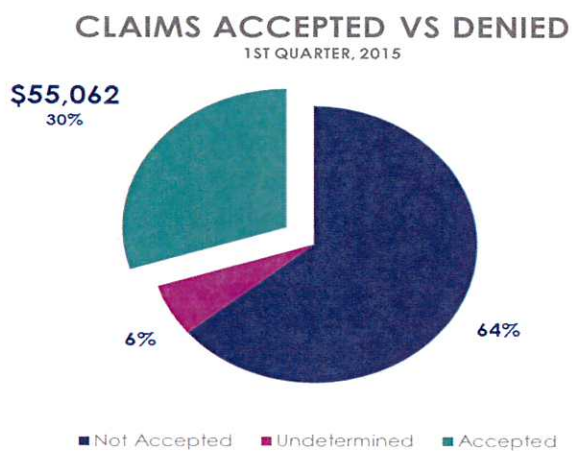


Figure 1

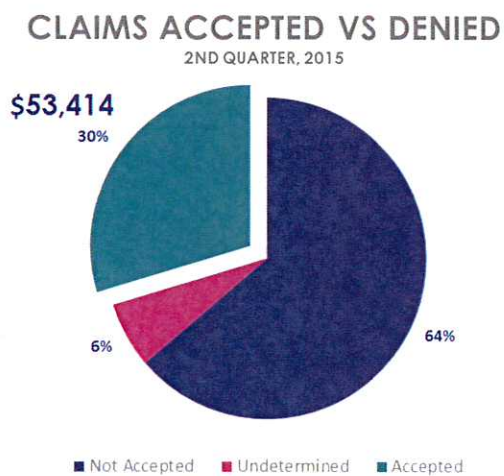


Figure 2

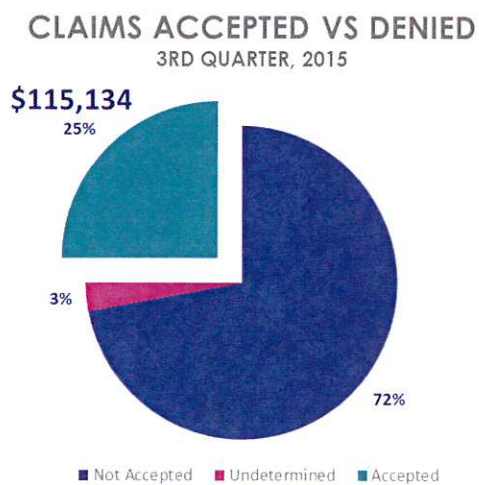
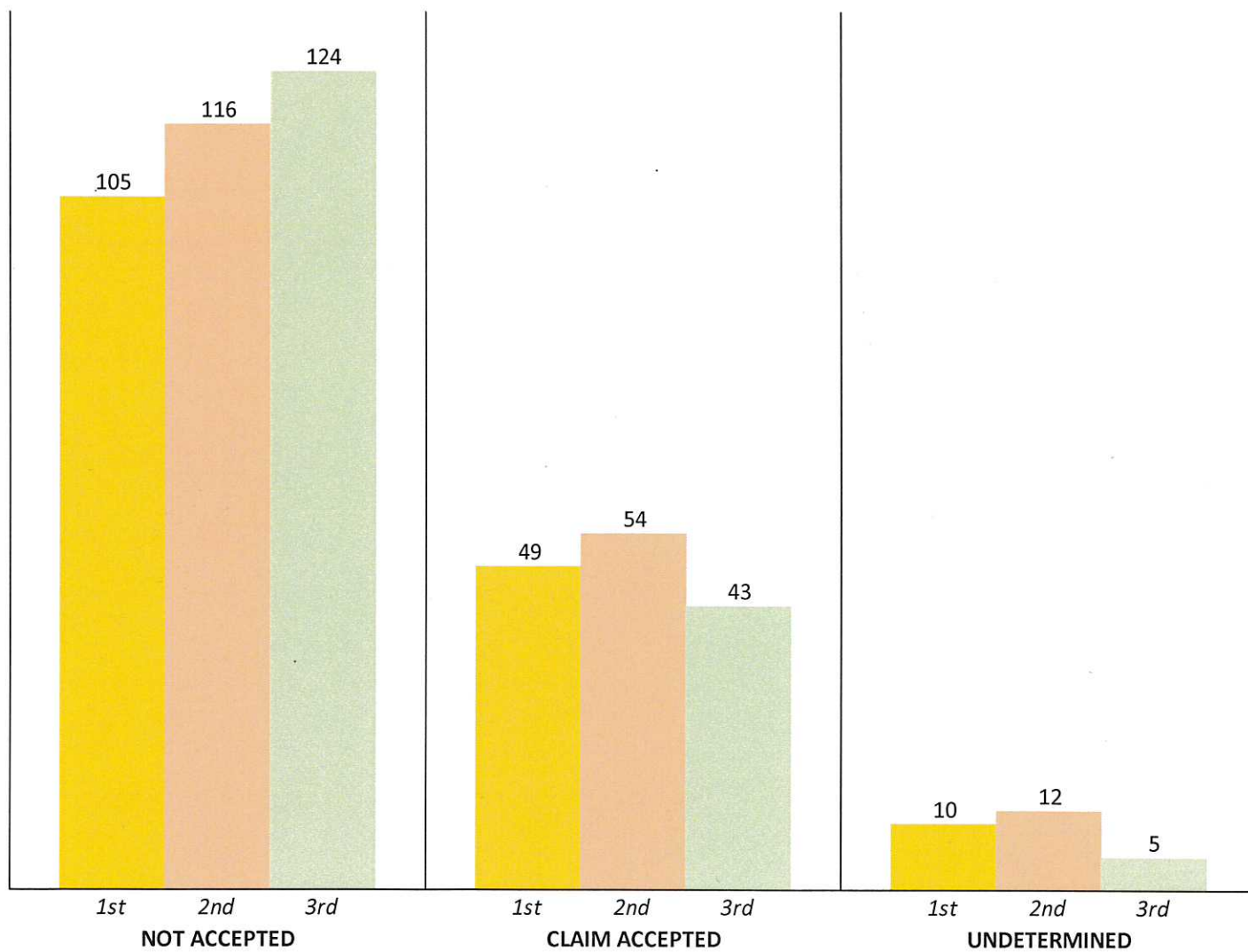


Figure 3

CLAIMS ACCEPTED VS DENIED

1ST, 2ND & 3RD QUARTER, 2015



UNDETERMINED: CITY WAS UNABLE TO DETERMINE LIABILITY BASED ON THE INFORMATION
SUBMITTED; CLAIM WAS NOT CONSIDERED

Figure 4

In Figure 5, claims by Department or Bureau are compared by quarter. For example, Street Maintenance and Parks had an increase in claims compared to the first quarter and second quarter; Towing Operations had a *decrease* in claims compared to the first quarter and second quarter.

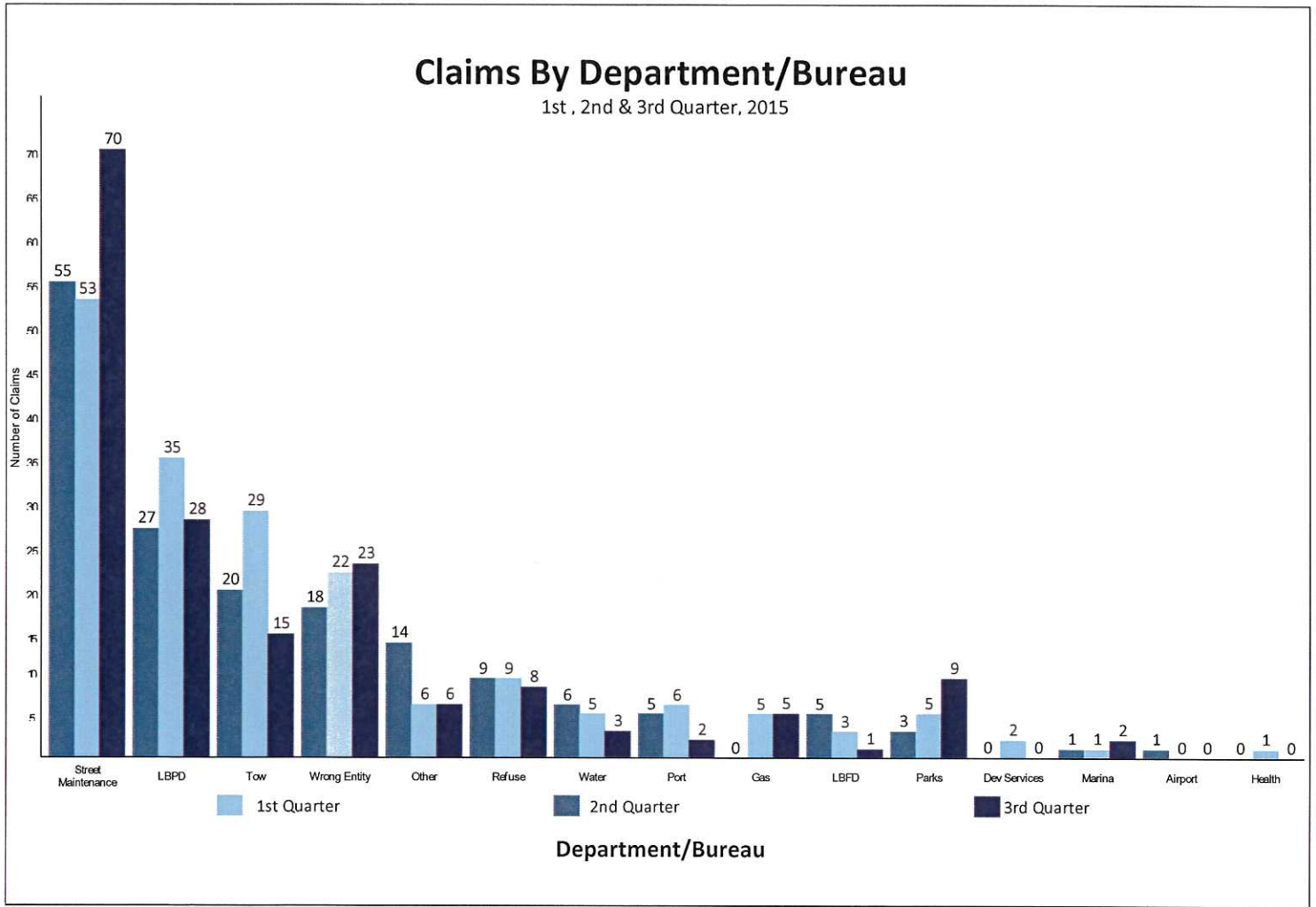


Figure 5

Public Works

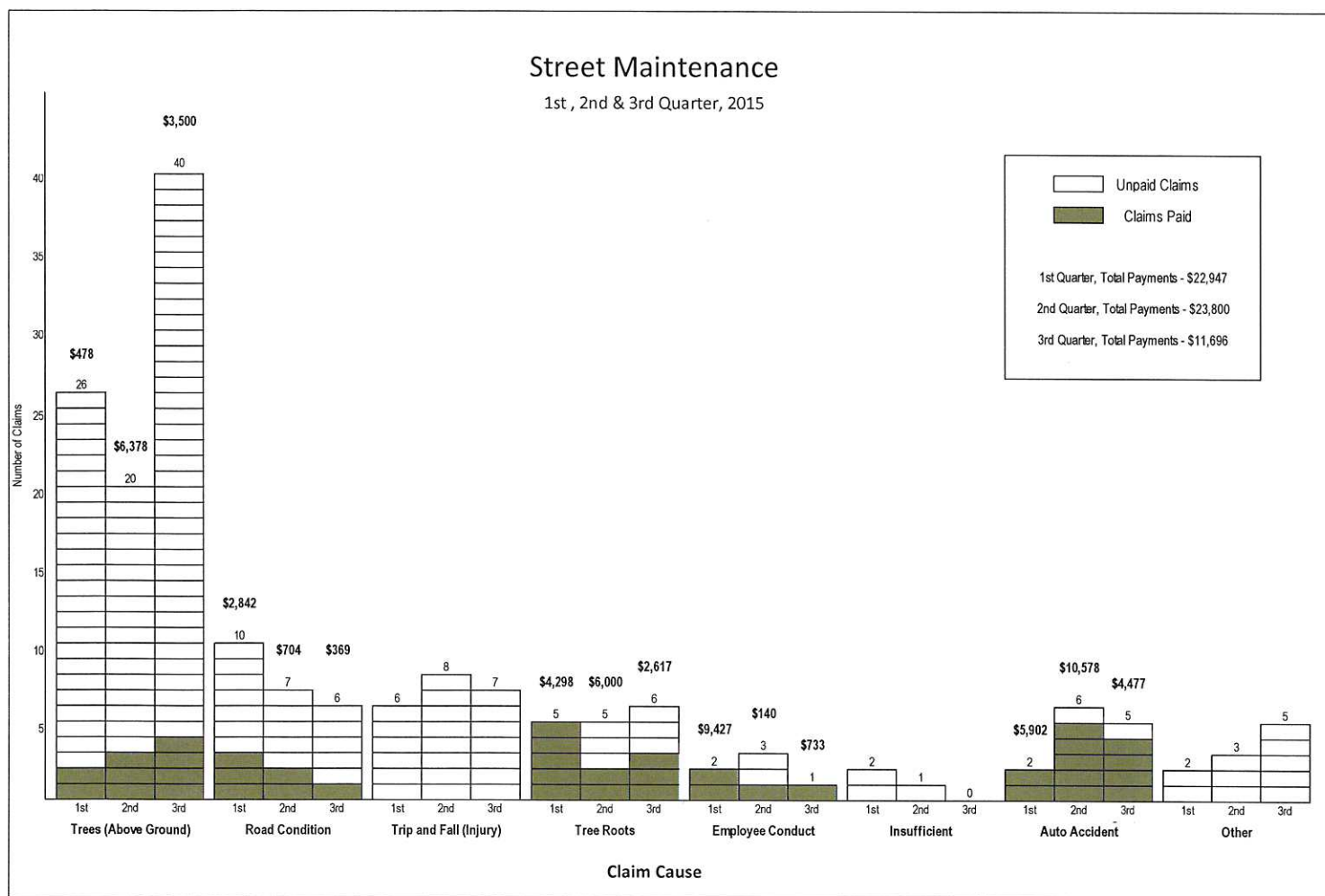


Figure 6

Street Maintenance:

The City Attorney's office adjusted a total of seventy (70) claims during the third quarter relating to Public Works, Street Maintenance Division. Thirteen (13) claims, primarily arising from automobile accidents and damages resulting from a City tree, were accepted. The Insurance Fund paid a total of \$11,696 in claims; *a significant decrease compared to the first and second quarter.*

City trees are maintained by Public Works. The City, however, receives claims for damage to plumbing lines caused by City tree roots. With most of these claims, the Water Department is involved.

During the third quarter, of the six (6) tree root related claims filed, three (3) were for damage to water/sewer lines. All three claims were accepted. The City Attorney resolved all claims, for a total payout of \$2,617.

Refuse:

During the third quarter, eight (8) claims related to Refuse. The City Attorney accepted five (5) claims, totaling \$4,612 primarily resulting from an auto accident or damage caused by a refuse employee.

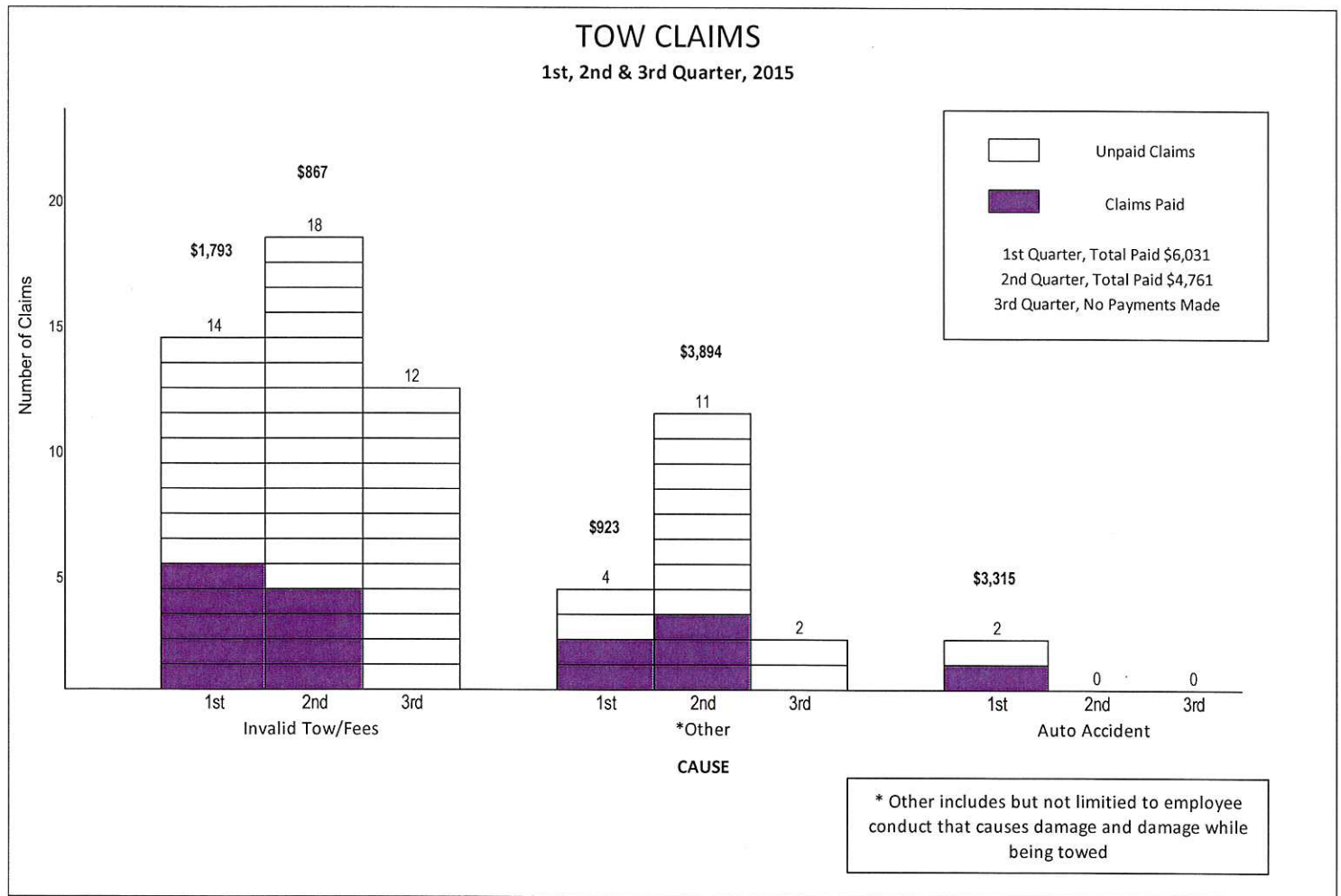


Figure 7

Towing:

During the third quarter, the City received fourteen (14) claims related to Tow Operations. These claims include claims for refunds of costs and fees where a claimant proves the tow was invalid. The City Attorney denied all fourteen (14) claims filed during the third quarter; therefore no payments were made.

Street Maintenance Claims by Council District

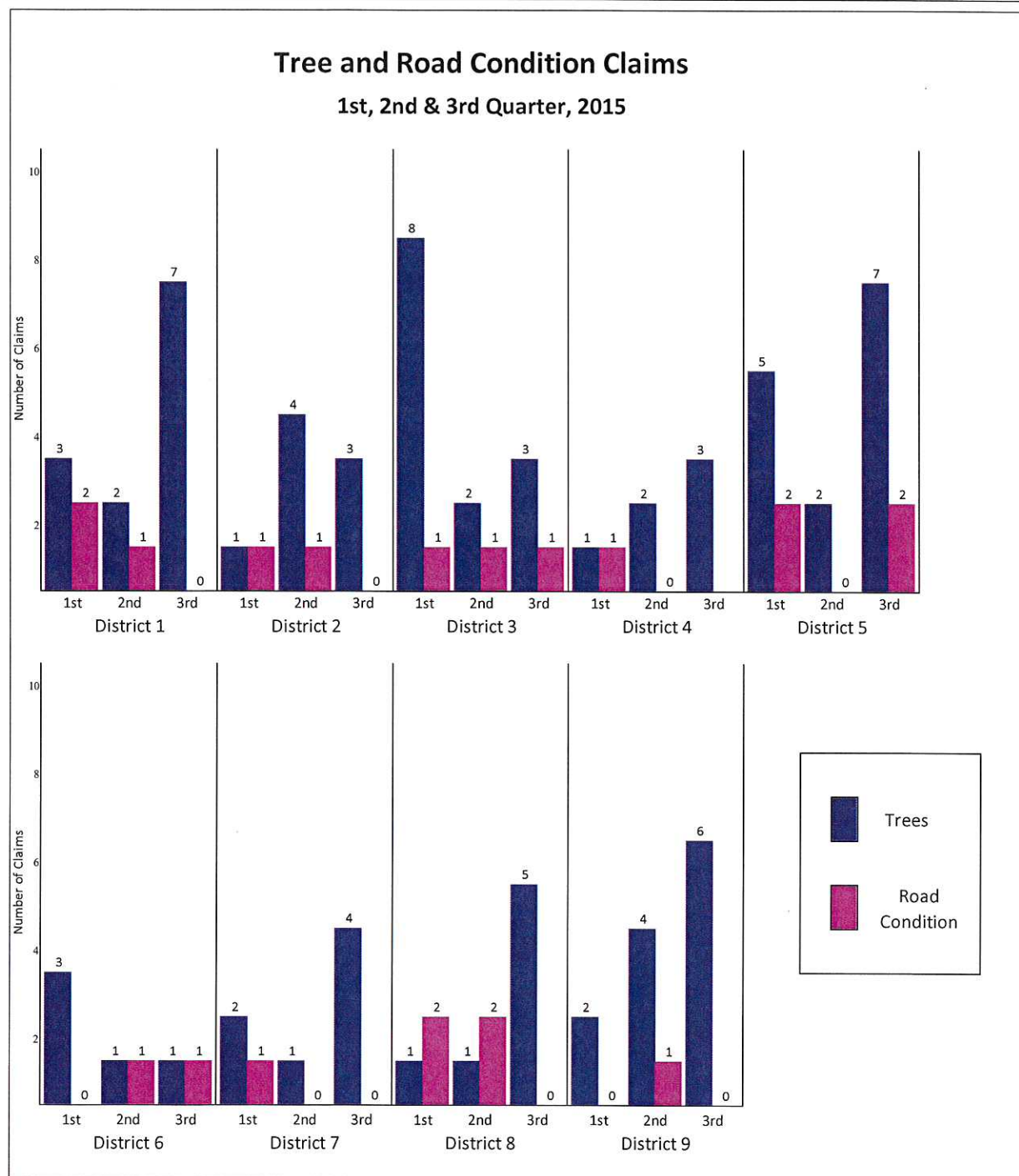


Figure 8

As a whole, the City has experienced a *decline* in road condition claims (i.e. pot holes) during the third quarter. As predicated, however, due to changes in weather, the City experienced an *increase* in tree claims.

Long Beach Police Department

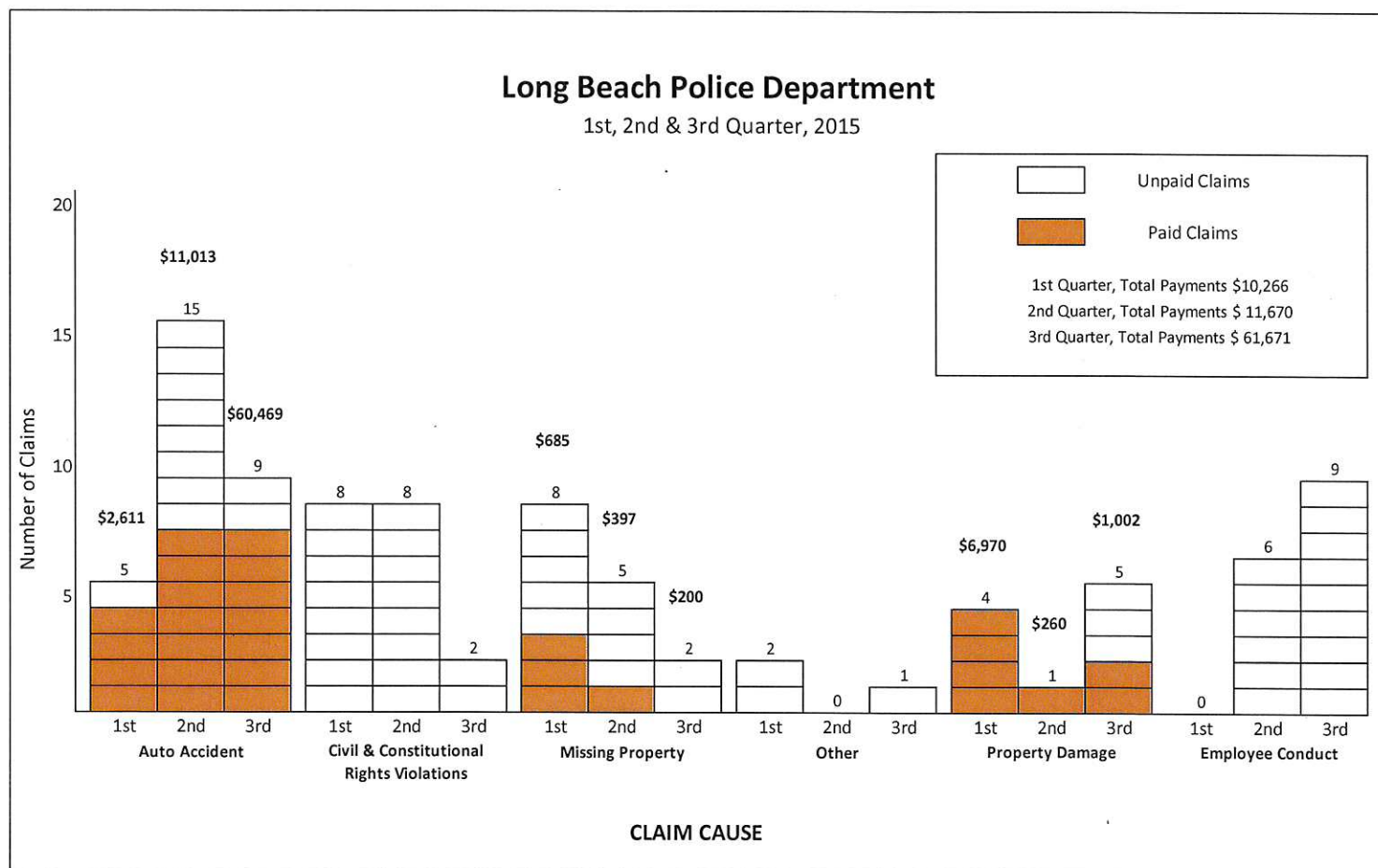


Figure 9

The City Attorney adjusted twenty-eight (28) claims during the third quarter relating the Police Department. (See Figure 9) During the third quarter, nine (9) claims were accepted, for a total of \$61,671 paid from the Insurance Fund. Of the nine (9) claims accepted, seven (7) arose from automobile accidents, totaling \$61,671 in payouts; this reflects an increase of \$50,001 from the second quarter, or an 81% increase. Of the nine (9) claims, one (1) claim was significant, accounting for \$31,768 in property damage.

In one (1) automobile accident claim filed, the City Attorney found possible liability, but the claimants did not provide adequate documentation supporting the damages. Therefore, the claim was not paid.

Auto Accidents

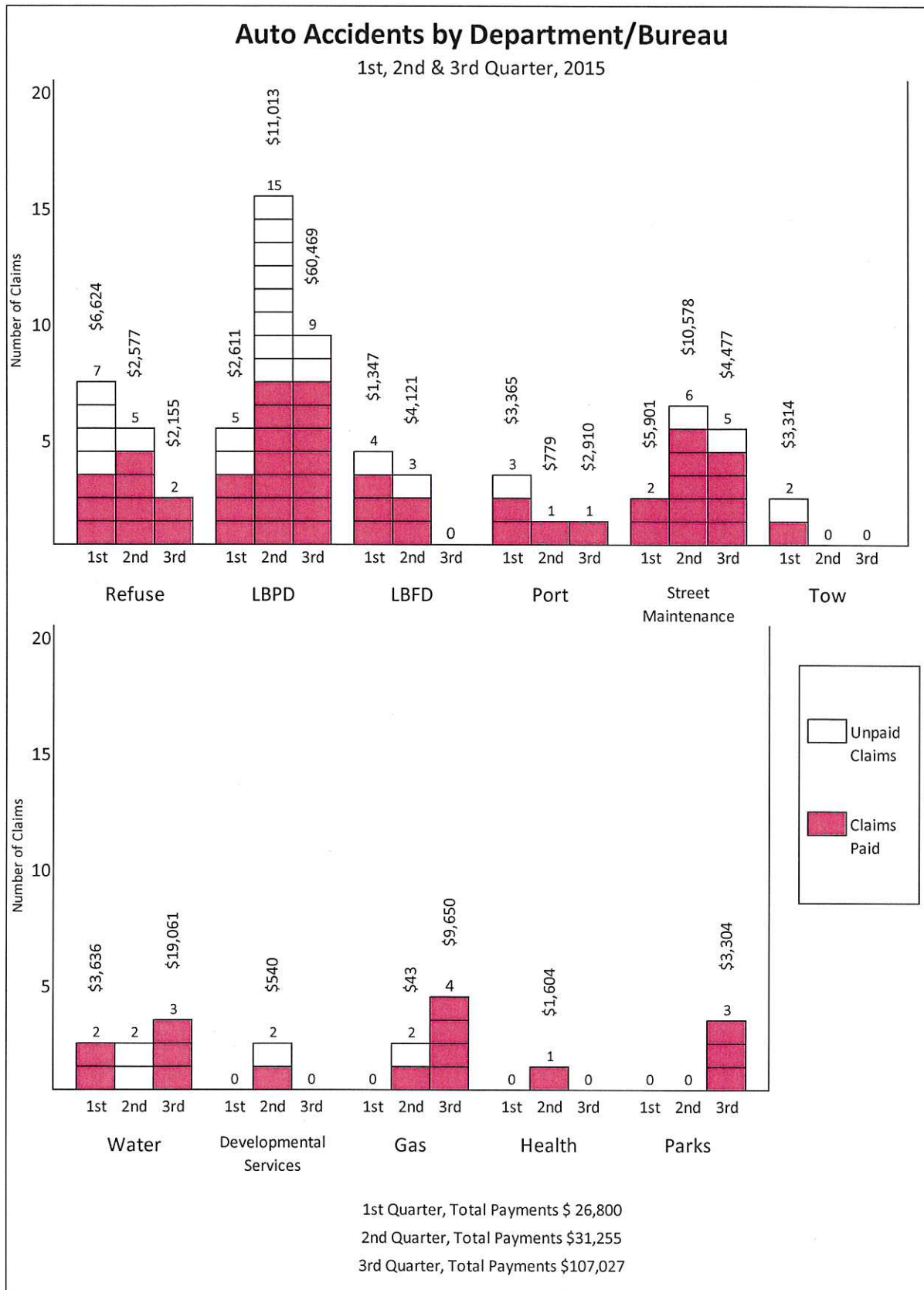


Figure 10

Government claims in this category include automobile vs automobile accident, as well as single vehicle accidents where, for example, a trash truck strikes a fixed object causing property damage.

In the third quarter, automobile accidents continued to be a significant source of claims and payouts. In the first quarter the City Attorney adjusted twenty-three (23) automobile claims; in the second quarter, the City Attorney adjusted thirty-seven (37) claims; in the third quarter, the City Attorney adjusted twenty-seven (27) claims (See Figure 9).

Payments on claims arising from automobile accidents *increased* from the second quarter by \$50,001, for a total second quarter payout of \$61,671. This reflects roughly a eighty-one percent (81%) increase in payouts between the second and third quarters.

During the second quarter, the City found possible liability on two (2) claims in which no payment was made, primarily due to not receiving documentation to support damages.